

In the claims:

Please cancel, without prejudice, claims 2-4, add new claims 12-20 and amend claims 1 and 5-11 as follows:

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4. 1. (Amended) A method to produce a food product comprising health active non-viable Lactobacillus bacteria, wherein the method comprises the step of adding Lactobacillus bacteria as non-viable Lactobacillus bacteria into the food product, and wherein no substantial fermentation of the food product by said Lactobacillus bacteria will take place.
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- A2. 5. (Amended) Method according to claim 1 wherein the method comprises a heat-treatment step for preparation or preservation of the food product.
6. (Amended) Method according to claim 1 wherein the food product is selected from the group consisting of soups, noodles, ice-cream, sauces, dressing, spreads, snacks, cereals, beverages, bread, biscuits, other bakery products, sweets, bars, chocolate, chewing gum, dairy products, dietetic products, and dietetic products.
7. (Amended) Method according to claim 1 comprising the addition of a mixture of viable and non-viable Lactobacillus bacteria followed by rendering viable bacteria non-viable.
8. (Amended) Method according to claim 7 wherein the ratio of non-viable to viable bacteria is more than 2 : 1.

*Amended*  
*A2*

9. (Amended) A food product having a pH of 3.8 or less, said food product comprising health active non-viable Lactobacillus bacteria and said food product being substantially non-fermented by said Lactobacillus bacteria.

10. (Amended) A food product having a pH of 5.0 or more, said food product comprising health active non-viable Lactobacillus bacteria and said food product being substantially non-fermented by said Lactobacillus bacteria.

11. (Amended) A food product having an  $A_w$  of 0.90 or less, said food product comprising health active non-viable Lactobacillus bacteria and said food product being substantially non-fermented by said Lactobacillus bacteria.

*A3*

12. (New) Method according to claim 8, wherein the ratio of non-viable to viable bacteria is more than 5 : 1.

13. (New) Method according to claim 12, wherein the ratio of non-viable to viable bacteria is more than 10 : 1.

14. (New) A method to produce a food product comprising health active non-viable Lactobacillus bacteria, wherein the method comprises the step of adding viable Lactobacillus into the food product followed by inactivation of the viable Lactobacillus before substantial fermentation of the food product can take place, and wherein no substantial fermentation of the food product by said Lactobacillus bacteria will take place.

*Combined  
from 9 and 10  
claim 14*

15. (New) Food product according to claim 9 wherein the amount of non-viable Lactobacillus bacteria in the food product is from about  $10^6$  to  $10^{11}$  per serving or per 100g of product.

16. (New) Food product according to claim 10 wherein the amount of non-viable Lactobacillus bacteria in the food product is from about  $10^6$  to  $10^{11}$  per serving or per 100g of product.

17. (New) Food product according to claim 11, wherein the amount of non-viable Lactobacillus bacteria in the food product is from about  $10^6$  to  $10^{11}$  per serving or per 100g of product.

18. (New) Method according to claim 14 wherein the method comprises a heat-treatment step for preparation or preservation of the food product.

19. (New) Method according to claim 14 wherein the food product is selected from the group consisting soups, noodles, ice-cream, sauces, dressing, spreads, snacks, cereals, beverages, bread, biscuits, other bakery products, sweets, bars, chocolate, chewing gum, dairy products, dietetic products.

20. (New) Method according to claim 14 comprising the addition of a mixture of viable and non-viable Lactobacillus bacteria followed by rendering viable bacteria non-viable.